

Attorney Docket No.: JJJ-P01-558

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Charette *et al.*

Serial No: 09/508,254

Filed: October 2, 2000

For: Synergistic Effects of OP/BMP
Morphogens and GDNF/NGF
Neurotrophic Factors

Confirmation No. 9598

Attorney Docket No. JJJ-P01-558

Art Unit: 1647

Examiner: R. DeBerry

January 12, 2004

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Commissioner of Patents
Washington, D.C. 20231

REPLY UNDER 37 CFR 1.116

IN RESPONSE TO JULY 11, 2003 OFFICE ACTION

Sir:

This amendment is being filed in reply to the outstanding Office Action, mailed on July 11, 2003, in connection with the above mentioned application. The period for response has been extended to January 11, 2004, by the accompanying petition for a three-month extension. Since January 11, 2004 is a Sunday, pursuant to 37 CFR §1.7, a response filed on Monday, January 12, 2004 is considered timely. Moreover, Applicants note that the subject application is entitled to small entity status by virtue of the Small Entity Statement filed with the application, which is reflected on the Official Filing Receipt. Accordingly, although several recent payments were inadvertently made at the large entity rate, Applicants contend that the application was always entitled to small entity status. Authorization to charge the fee for the three month extension of time at the small entity rate to Deposit Account No. 18-1945 is hereby provided. Accordingly,

this response is being timely filed. In addition, Applicants are concurrently filing a Notice of Appeal.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 8 of this paper.